IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

DEC 1 3 2010
RESTERN BENUTY OLD

GILLETTE AIR CONDITIONING
COMPANY AND VETS, LLC. AND
VINCENT J. GILLETTE
Plaintiff / Counter-Defendants

Plaintiff / Counter-Defendants

§

VS.

§ CIVIL ACTION NO. 5:10-CV-548

TIMOTHY D. SCHEUTZOW AND FIELD FUSION, INC.

Defendants / Counter-Plaintiff

ADR REPORT

Pursuant to the Magistrates Scheduling order the Defendant/Plaintiff, Timothy D. Scheutzow *prose*, respectfully submits this ADR Report.

I made a good faith effort to begin and continue settlement negotiations that were stopped and hindered by the plaintiff. I, in the sprit of cooperation and trying to resolve this matter peacefully, authored a letter dated August 9th (Exhibit 1) to the plaintiff detailing a settlement plan and striking a tone to encourage dialog and settle this case with out wasting the courts time and energy. I offered a calculation to show I was trying to negotiate in good faith and to take into account the plaintiffs' circumstances and resources. I began negotiations by offering an olive branch and appealing to our mutual faith to begin the settlement process. When I received the settlement counter proposal by phone (Exhibit 2) I asked for any supporting figures and calculations to help me appreciate the plaintiffs' positions. I was met with resistance and complete disrespect. I offered tangible calculations to support my position on a settlement offer and when I asked for the same from the plaintiff I was told "he spent a lot of money" yet wouldn't give me the supporting detail, leaving me in a position unable to react and with out any

kind of boundaries to work with. The plaintiff's continued misrepresentation of facts and his uncooperative posture have made any type of continued negotiation nearly impossible. My wish is to settle this case without wasting the courts time or energy but all attempts that I have mounted have not been handled in good faith by the plaintiff or their counsel. It is my belief any mediation process would meet with the same resistance from the plaintiff that has been prevalent through out my efforts. As a result I don't believe that ADR would be appropriate in this case at the current point in time.

Respectfully submitted, this 1st day of December, 2010.

Pro Se

Finothy D. Scheutzow Pro Se, Defendant

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CERTIFICATE OF SERVICE

This is to certify that I have on this date served the foregoing *ADR Report* via email to Jay K. Farwell at jkf@tglf.com and to Paralegal Ernie J. Broussard at ejb@tglf.com receipt and delivery confirmation:

This 1st day of December, 2010.

Pro Se

D. Scheutzow, Defendant